

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

IN RE: ACTOS (PIOGLITAZONE)

MDL NO. 6:11-md-02299

This document applies to:

JUDGE DOHERTY

Civil Action No. 6:14-cv-00553

MAGISTRATE JUDGE HANNA

**REPORT AND RECOMMENDATION**

Tina Burks-Wellborn (the plaintiff in Civil Action No. 6:14-cv-00553) is currently unrepresented. She was ordered to appear in court on March 16, 2016 in connection with her counsel's motion to withdraw, but she did not appear. Her counsel appeared by telephone and advised that Ms. Burks-Wellborn was served with notice of the March 16, 2016 hearing. The motion to withdraw was granted, Ms. Burks-Wellborn was ordered to appear in court on April 26, 2016 (Rec. Doc. 6275), and she was served with notice of the hearing (Rec. Doc. 6296). However, she again failed to appear as ordered. The order further provided that if the individual could not appear personally, he or she was to notify the Court at the email address provided or by regular mail. No such notification was ever received.

The record reflects that Ms. Burks-Welborn has personally failed to abide by multiple orders of the Court without justification. Accordingly,

IT IS RECOMMENDED that, pursuant to Fed R. Civ. P. 41, the claims asserted by Ms. Burks-Wellborn be dismissed without prejudice due to her failure to comply with the Court's orders.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have fourteen days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen days after being served with of a copy of any objections or responses to the district judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in the report and recommendation within fourteen days following the date of its service, or within the time frame authorized by Fed. R. Civ. P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the district court, except upon grounds of plain error. See *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5<sup>th</sup> Cir. 1996).

Signed at Lafayette, Louisiana, on this 27<sup>th</sup> day of April 2016.

A handwritten signature in black ink, appearing to read 'P. J. Hanna', written over a horizontal line.

PATRICK J. HANNA  
UNITED STATES MAGISTRATE JUDGE